IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 461 OF 2007

Narad Punvasi Yadav ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mrs. V.S. Jagadale, Advocate for the applicant.
Mr. U.V. Nikam, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 6TH MARCH, 2007.

P.C.

. Heard Mrs. Jagdale, learned Counsel for the applicant and Mr. U.V. Nikam, learned APP for the State. The applicant, who is arrested on 22nd September, 2006 in Crime No. I-230/2003 registered at Nalasopara Police Station, seeks to be released on bail.

2. The prosecution case, in brief, is that the present applicant has some dispute with first informant Rajendra Yadav because the first informant could not get the name registered in the property register of Grampanchayat. On 28/10/2003 at 4 P.M. the present, applicant accompanied by one more person, went to the

house of Rajendra Yadav and threatened him to cut him into three pieces. On next date at about 8 a.m. the present applicant and two others, armed with sharp and cutting weapons went to the house of Rajendra Yadav. Said Rajendra asked the present applicant whether he had come to cut him into pieces. On this, the present applicant took out a country made pistol and pointed the same towards Rajendra but before he could fire Rajendra gave a dash to the present applicant. After that the present applicant fired from his pistol causing injury on the right side of back of Rajendra . Before the applicant could fire second time people gathered there. Therefore, the applicant and his two companions ran away. The report was lodged by Rajendra on the same day and the offence came to be registered under sections 307, 504, 506 r/w section 34 of Indian Penal Code. He was referred to the Municipal Hospital, where he was examined and treated. The present applicant and his companions were absconding from the day of the incident and finally on 22nd September 2006, he was arrested at Sureri, District Jaunpur and was brought to Nalasopara Police Station.

3. The learned Counsel for the applicant contends

that the applicant is in custody for last about 6 months, that there is no recovery from him and the trial is also not commenced and therefore, he may be granted bail. The application is opposed on behalf of the prosecution. It appears that immediately after the incident the applicant absconded and he could be arrested only after three years. In view of this fact, there was no possibility of recovery of any weapon from him. If bail is granted to him, there is every possibility tht he abscond again and will not be available for trial. His other two companions are still absconding.

4. For the aforesaid reasons, application stands rejected.

(J.H. BHATIA, J.)